

IC 35-45-16

Chapter 16. Malicious Mischief

IC 35-45-16-1

"HIV"

Sec. 1. (a) As used in this chapter, "HIV" refers to the human immunodeficiency virus.

(b) The term includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

As added by P.L.88-2002, SEC.2.

IC 35-45-16-2

Malicious mischief

Sec. 2. (a) A person who recklessly, knowingly, or intentionally places human:

- (1) blood;
- (2) semen;
- (3) urine; or
- (4) fecal waste;

in a location with the intent that another person will involuntarily touch the blood, semen, urine, or fecal waste commits malicious mischief, a Class B misdemeanor.

(b) An offense described in subsection (a) is a:

(1) Class D felony if the person knew or recklessly failed to know that the blood, urine, or waste was infected with:

- (A) hepatitis B;
- (B) HIV; or
- (C) tuberculosis;

(2) Class C felony if:

- (A) the person knew or recklessly failed to know that the blood, urine, or waste was infected with hepatitis B and the offense results in the transmission of hepatitis B to the other person; or
- (B) the person knew or recklessly failed to know that the waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) Class B felony if:

- (A) the person knew or recklessly failed to know that the waste was infected with HIV; and
- (B) the offense results in the transmission of HIV to the other person.

(c) A person who recklessly, knowingly, or intentionally places human:

- (1) blood;
- (2) body fluid; or
- (3) fecal waste;

in a location with the intent that another person will ingest the blood, body fluid, or fecal waste, commits malicious mischief with food, a Class A misdemeanor.

(d) An offense described in subsection (c) is:

- (1) a Class D felony if the person knew or recklessly failed to know that the blood, body fluid, or fecal waste was infected with:
 - (A) hepatitis B;
 - (B) HIV; or
 - (C) tuberculosis;
- (2) a Class C felony if:
 - (A) the person knew or recklessly failed to know that the blood, body fluid, or fecal waste was infected with hepatitis B and the offense results in the transmission of hepatitis B to the other person; or
 - (B) the person knew or recklessly failed to know that the blood, body fluid, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and
- (3) a Class B felony if:
 - (A) the person knew or recklessly failed to know that the blood, body fluid, or fecal waste was infected with HIV; and
 - (B) the offense results in the transmission of HIV to the other person.

As added by P.L.88-2002, SEC.2.